

House Bill 683

By: Representatives Powell of the 171st, Willard of the 49th, Meadows of the 5th, Abrams of the 84th, and Harden of the 147th

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 36-33-1 of the Official Code of Georgia Annotated, relating to immunity of municipal corporations from liability for damages, waiver of immunity by purchase of liability insurance, and liability for acts or omissions generally, so as to provide for sovereign immunity for municipal corporations from losses resulting from the plan or design for construction of, or improvement to, highways, roads, streets, bridges, utilities, or other public works where such plan or design is prepared in substantial compliance with generally accepted engineering or design standards in effect at the time of preparation of the plan or design; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 36-33-1 of the Official Code of Georgia Annotated, relating to immunity of municipal corporations from liability for damages, waiver of immunity by purchase of liability insurance, and liability for acts or omissions generally, is amended by revising subsection (b) as follows:

"(b) Municipal corporations shall not be liable for failure to perform or for errors in performing their legislative or judicial powers. For or for losses resulting from the plan or design for construction of, or improvement to, highways, roads, streets, bridges, utilities, or other public works where such plan or design is prepared in substantial compliance with generally accepted engineering or design standards in effect at the time of preparation of the plan or design. Municipal corporations shall be liable for neglect to perform or improper or unskillful performance of their ministerial duties, they shall be liable."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

26

SECTION 3.

27 All laws and parts of laws in conflict with this Act are repealed.